

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	19-CR-862 (VEC)
	:	
HECTOR BONAPARTE,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on October 22, 2021, Hector Bonaparte (“Defendant”) was sentenced principally to a term of imprisonment of eight years, *see* Am. J., Dkt. 923;

WHEREAS on November 30, 2023, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 1106, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on December 13, 2023, the United States Probation Department reported that Defendant is not eligible for a sentence reduction, *see* Probation Report, Dkt. 1117; and

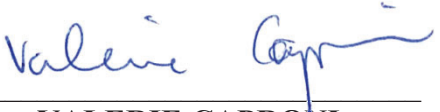
WHEREAS the Court has considered the record in this case;

IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because (1) Defendant did not receive a sentence enhancement for committing the charged offense while under a criminal justice sentence; and (2) although Defendant had no criminal history points when convicted, because he possessed a firearm in furtherance of the offense of conviction, he is not eligible for the so-called “zero-point offender” adjustment. U.S.S.G. § 4C1.1(a)(7) (adjustment not applicable if defendant possessed a firearm in connection with the offense). Defendant’s motion is therefore DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 1106 and to mail a copy of this Order to Mr. Bonaparte.

SO ORDERED.

Dated: December 15, 2023
New York, NY



VALERIE CAPRONI
United States District Judge